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THE DIC DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
APPLICATION NO.	FILING DATE		10873.704USW	6282	
09/807,865	04/19/2001	Kenichi Nishiuchi	10073.7040311		
·	05/12/2004		EXAM	INER	
75	,,		HUBER,	PAUL W	
Merchant & Gould					
PO Box 2903			ART UNIT	PAPER NUMBER	
Minneapolis, M	IN 55402-0903		2653	7	
			DATE MAILED: 05/12/200	Ö	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner				1:4(-)		+
Office Action Summary  Examiner Paul Huber  — The MAILING DATE of this communication appears on the cover sheet with the correspondence address— eriod for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  THE MAILING DATE OF THIS COMMUNICATION.  THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is been than bring of the development of the period for reply specified above is been than bring (QS) suppression, and the period for reply specified above is been than bring (QS) suppression, and the period for reply specified above is been than bring (QS) suppression, and the period for reply specified above is been than bring (QS) suppression, and the period for reply specified above is been than bring (QS) suppression, and the period for reply specified above is been than bring (QS) suppression, and the period of the period for reply specified above is been than bring (QS) suppression, and the period of the period for reply specified above is been than bring (QS) suppression (QS) specified		Application N	lo.	Applicant(s)		Y
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Application/Control Number: 09/807,865

Art Unit: 2653

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Applicant's election of Group I (claims 1-5 & 11-30) in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Satoh et al. (USP-5,303,225).

Satoh et al discloses an optical information recording medium 1, comprising: a substrate 2; and at least two information layers 3 & 4 formed on the substrate, the information layer being formed of a thin film showing a change that can be detected optically by light beam irradiation. A separating layer 5 is formed between the information layers 3 & 4, which is transparent to a wavelength of the light beam. Each information layer includes: a sector area S having sector address portions ID and data areas DF for recording information signals, the sector address portions ID and the data area DF being divided in a circumferential direction; a management area LA on which a type of information layer is written; and a sector position identifier SA for identifying a sector position, having a certain relationship to the sector area S of the information layer in the circumferential direction. The sector position identifier SA relates to the sector area S in the sense that it identifies a particular sector area amongst the plurality of sector areas S aligned in the circumferential direction of a track.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fushimi et al and Mons et al. each disclose an optical recording medium including a plurality of recording layers formed thereon.

Claims 1-4 and 11-30 are allowed.

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Art Unit: 2653

The following is an examiner's statement of reasons for allowance:

(1) The prior art of record considered as a whole fails to teach or suggest an optical information recording medium, or recording method for the optical information recording medium, the optical information recording medium comprising a substrate and at least two information layers formed on the substrate, the information layer being formed of a thin film showing a change that can be detected optically by light beam irradiation, wherein a separating layer that is transparent to a wavelength of the light beam is formed between the information layers, each information layer comprises a sector area having sector address portions and data areas for recording information signals, the sector address portion and the data area being divided into a circumferential direction, and at least one of the information layers is provided with identification information about an amount of dislocation between the sector address portions of the respective information layers in the circumferential direction.

(2) The prior art of record considered as a whole further fails to teach or suggest a recording/reproducing apparatus for an optical information recording medium, performing recording/reproduction of information signals on the optical information recording medium comprising a substrate, at least two information layers formed on the substrate, and a separating layer formed between the information layers, the information layer being formed of a thin film showing a change that can be detected optically by light beam irradiation, the separating layer being transparent to a wavelength of the light beam, and each information layer comprising a sector area having sector address portions and data areas for recording information signals, the sector address portion and the data area being divided into a circumferential direction, the recording/reproducing apparatus comprising: a sector dislocation identifying means for detecting an amount of dislocation between the sector areas of the respective information layers in the circumferential direction, a gate generation means for controlling timing for correcting fluctuation in recording power, caused by an effect of a recorded state of each information layer, based on the detected dislocation amount, and a power switching means for switching recording power in accordance with a gate signal from the gate generation means.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number: 09/807,865

Art Unit: 2653

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 703-308-1549.

Paul Huber Primary Examiner Art Unit 2653

pwh May 10, 2004